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March 7, 2024

Via ECF

The Honorable Gregory H. Woods
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312

USDC SDNY
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MEMORANDUM ENDORSED

Re: Shaw v. American Textile Company, Inc., Case No. 1:23-cv-10193-GHW-JLC

Dear Judge Woods,

My firm represents Plaintiff Kevin Shaw ("Plaintiff") in the above-referenced matter. Pursuant to Rule 1(F) of Your Honor's Individual Rules of Practice, and together with counsel for Defendant, the parties jointly write to request that the Court issue an order staying this case pending the resolution of *Lancaster v. American Textile Company, Inc.*, Case No. 1:22-cv-1280 (N.D.N.Y.). A proposed order was filed earlier today.


The parties agree that the Court should enter the proposed order. The parties respectfully submit that the Court has the authority to stay this action pending the *Lancaster* matter because the Court is empowered to control its own docket, including to stay proceedings, *see Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936), and courts have used this inherent authority to stay a second-filed action in favor of the first-filed suit. *See, e.g., Bell Semiconductor, LLC v. ASMedia Tech.*, 2023 WL 4296089, at *2 (S.D.N.Y. June 30, 2023) (staying case pending resolution of the first-filed action because doing so would "preserve resources, and avoid conflicting judicial decisions"); *Samsung Elecs. v. Solas Oled Ltd.*, 2022 WL 294631, at *4 (S.D.N.Y. Feb. 1, 2022) (staying action pending proceedings in case with overlapping claims and issues).

The parties respectfully submit a stay is appropriate here given the substantial overlap between this case and *Lancaster*. The parties propose providing the Court with an update within ten (10) days after the outcome of *Lancaster* is determined.

Application granted. The parties' request to stay this matter pending the resolution of *Lancaster v. American Textile Company, Inc.*, No. 1:22-cv-1280 (N.D.N.Y.) is granted. Dkt. No. 26. The parties are directed to submit a joint status letter by September 7, 2024 or within 10 days after the resolution of *Lancaster*, whichever is earlier. Defendant's pending motion to dismiss is treated as withdrawn given the stay. Defendant may renew its motion to dismiss at a later time as appropriate. The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 23, 26, and note the stay of this case on the docket.

SO ORDERED.

Dated: March 7, 2024
New York, New York


GREGORY H. WOODS
United States District Judge

Very truly yours,


Alec Leslie